

**STATE OF NORTH CAROLINA**

File No.

Film No.

\_\_\_\_\_ County

In The General Court Of Justice

District  Superior Court Division

Name Of Plaintiff(s)

**VERSUS**

Name Of Defendant(s)

**DEFENDANT'S MOTION  
TO  
DISCHARGE ATTACHMENT**

G.S. 1-440.39

The undersigned defendant(s) whose property has been attached, moves the Court to order a discharge of the attachment upon giving bond for the property attached.

Date

Signature Of Defendant 1 Or Attorney For Defendant 1

Date

Signature Of Defendant 2 Or Attorney For Defendant 2

**AFFIDAVIT AS TO VALUE OF ATTACHED PROPERTY**

The undersigned, each being first duly sworn, say that we are familiar with the value of the defendant's property attached in this action and that the value of the property is indicated below.

**SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME**

Description Of Property Attached

Date

Value Of Property Attached

\$

Signature Of Person Authorized to Administer Oaths

Signature Of Affiant 1

Deputy CSC  Assistant CSC  Clerk Of Superior Court

Name Of Affiant 1 (Type Or Print)

Notary

Date My Commission Expires

Signature Of Affiant 2

**SEAL**

County Where Notarized

Name Of Affiant 2 (Type Or Print)

**ORDER DISCHARGING ATTACHMENT**

Upon motion of the defendant(s) to discharge attachment, the Court finds, based on the above affidavit, that the value of property attached and the amount claimed by the plaintiff are as shown below.

It is ORDERED that the attachment be discharged upon the defendant(s) giving a bond with good and sufficient surety, in the amount indicated below, which is twice the amount of the lesser of the two.

Amount Claimed By Plaintiff

Amount Of Bond

\$

\$

Value Determined By The Court

Date

\$

Signature

Assistant CSC

Clerk Of Superior Court

**DEFENDANT'S BOND**

The sheriff of the county named below, pursuant to an order of attachment directed to the sheriff in this case, has seized and levied on certain property of the defendant the value of which is indicated below; and, an order has been entered by the Court ordering the discharge of the attachment upon the defendant giving bond in accordance with the order.

The defendant as principal and the surety named below, acknowledge themselves bound to the plaintiff in the amount set out below. The condition of this Bond is that if judgment is rendered against the defendant, the defendant will pay to the plaintiff the amount of the judgment and all costs that the defendant may be ordered to pay. If the value of the property attached is less than the amount of the judgment, liability shall be limited to an amount equal to the value of the property attached.

<i>Amount Of Bond</i> \$	<i>Value Of Property Seized</i> \$
<i>Signature Of Defendant (Principal)</i>	<i>County Of Sheriff</i>
<i>Signature Of Surety</i>	<i>Signature Of Additional Surety, If Used</i>
<i>Name Of Surety (Type Or Print)</i>	<i>Name Of Additional Surety, If Used (Type Or Print)</i>
<i>Address</i>	<i>Address</i>
<i>City, State, Zip</i>	<i>City, State, Zip</i>

**JUSTIFICATION**

The undersigned surety, being first duly sworn, says that he/she is a resident of the State of North Carolina, and is worth the amount of the bond, over and above all liabilities and exemptions allowed by law.

<b>SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME</b>	<i>Signature Of Surety</i>
<i>Date</i>	<i>Signature Of Additional Surety, If Used</i>
<i>Signature</i>	
<input type="checkbox"/> <i>Deputy CSC</i> <input type="checkbox"/> <i>Assistant CSC</i> <input type="checkbox"/> <i>Clerk Of Superior Court</i>	